

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Steven C. Fustolo,

V.

CIVIL ACTION: 23-10033- RGS

SELECT PORTFOLIO SERVICING, INC. et al

**ORDER REGULATING NON-JURY TRIAL BEFORE STEARNS,
DJ.**

STEARNS, DJ

THE ABOVE-CAPTIONED ACTION IS SCHEDULED FOR A NON-JURY TRIAL COMMENCING

ON **February 21, 2024 at 9:00 AM** IN COURTROOM #21, 7th Floor, JOHN JOSEPH MOAKLEY UNITED STATES COURTHOUSE, BOSTON, MA.

ON OR BEFORE **February 7, 2024** COUNSEL SHALL FILE THE FOLLOWING DOCUMENTS WITH THE CLERK:

TO BE JOINTLY FILED BY COUNSEL:

1. A STIPULATION OF FACTS AGREED TO BY THE PARTIES;
2. A LIST OF EXHIBITS TO BE INTRODUCED WITHOUT OBJECTION, IDENTIFIED BY A SINGLE SEQUENCE OF NUMBERS, REGARDLESS OF WHICH PARTY IS THE PROPONENT OF AN EXHIBIT;
3. A LIST OF MARKED ITEMS TO BE OFFERED AT TRIAL AS TO WHICH AN OPPOSING PARTY HAS RESERVED THE

RIGHT TO OBJECT, IDENTIFIED BY A SINGLE SEQUENCE OF CAPITAL LETTERS, REGARDLESS OF WHICH PARTY IS THE PROPONENT OF AN EXHIBIT;

4. A LIST OF PROSPECTIVE WITNESSES;

5. A LIST OF DEPOSITIONS TO BE USED AT TRIAL BY EACH PARTY IDENTIFYING THE PORTIONS TO BE USED BY PAGE AND LINE NUMBERS, AND ANY OBJECTIONS. IF OBJECTIONS ARE TO BE PRESERVED, RULINGS MUST BE SOUGHT PRIOR TO TRIAL;

6. MOTIONS IN LIMINE OR OTHER REQUESTS REGARDING FORESEEABLE DISPUTES CONCERNING EVIDENTIARY ISSUES, INCLUDING AUTHORITY FOR THE RULING REQUESTED;

7. AN INFORMED ESTIMATE OF THE PROBABLE LENGTH OF THE TRIAL, BASED ON A TRIAL SCHEDULE OF 9:30 AM TO 1:00 PM DAILY. IN ANY CASE EXCEEDING ONE WEEK'S DURATION, THE COURT WILL IMPOSE TIME LIMITS ON THE PARTIES WHICH WILL BE STRICTLY ENFORCED;

TO BE FILED BY EACH COUNSEL, SEPARATELY, AFTER TRIAL:

A STATEMENT OF PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW, WHICH ARE TO BE FILED WITH THE COURT ACCORDING TO THE "BRIEFING SCHEDULE " WHICH WILL BE ESTABLISHED AT THE CONCLUSION OF THE TRIAL. EACH PROPOSED FINDING AND CONCLUSION IS TO BE SET OUT IN A SEPARATELY NUMBERED PARAGRAPH.

FAILURE OF COUNSEL TO COMPLY WITH THIS ORDER MAY RESULT IN SANCTIONS TO BE IMPOSED.

SO ORDERED.

RICHARD G. STEARNS
UNITED STATES DISTRICT JUDGE

DATED: December 20, 2023

BY: /s/ Timothy R. Maynard
Deputy Clerk